

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : William John BAILLIE-HAMILTON  
Serial no. : 09/171,583  
Filed : with an effective filing date of April 23, 1997  
For : LIGHT EMITTING DEVICE AND ARRAYS  
THEREOF  
Docket : ROCKCO P39AUS

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/171,583 filed October 21, 1998.  
☐ patent no. issued .

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am

(a) Independent Inventor

- ☒ a below named independent inventor and that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code to the Patent and Trademark Office.

(b) Non-Inventor Supporting a Claim By Another

- ☐ making this verified statement to support a claim by for a small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code and I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN \_\_\_\_\_  
ADDRESS OF CONCERN \_\_\_\_\_

and that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of the Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) **Non-Profit Organization**

☐ an official empowered to act on behalf of the non-profit organization identified below:

NAME OF ORGANIZATION \_\_\_\_\_

ADDRESS OF ORGANIZATION \_\_\_\_\_

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))  
☐ NON-PROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(A) AND 501(C)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NON-PROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

and that the non-profit organization identified above qualifies as a non-profit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

**II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

- ☒ person (item (a) or (b) above) ☐ concern (item (c) above) ☐ organization (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a non-profit organization under 37 CFR 1.9(e).

- ☒ no such person, concern, or organization  
☐ person, concerns or organizations listed below\*

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

III. **ACKNOWLEDGMENT OF DUTY TO NOTIFY PTO OR STATUS CHANGE**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing hereon, or any patent to which this verified statement is directed.

V. **SIGNATURES** **COMPLETE ONLY (e) or (f) BELOW**

(e)

**NOTE: All inventors must sign the verified statement**

*WJH* *John*  
~~John~~ William BAILLIE-HAMILTON

Name of Inventor

*William John Baillie-Hamilton*  
Signature of Inventor

*19<sup>th</sup>* NOVEMBER 1998

Date

ROCKCO P39AUS

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ supplemental
- ☒ National Stage of PCT
- ☐ divisional (see added page)

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

LIGHT EMITTING DEVICE AND ARRAYS THEREOF

**SPECIFICATION IDENTIFICATION**

The specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☐ was filed on with an effective filing date of as  
☐ Serial No.    or  
☐ Express Mail No.    as Serial No. (not yet known) and was amended on     
   (if applicable).
- (c) ☒ was described and claimed in PCT International Application No. PCT/GB97/01121 filed on 23 April 1997 and as amended under PCT Article 19 on    (if any).

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name(s) and registration number(s))

2 - Anthony G. M. Davis  
Michael J. Bujold

Registration No. 27,868.  
Registration No. 32,018.

☐ Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Direct Telephone Calls to:

Davis and Bujold  
Fourth Floor  
500 N. Commercial Street  
Manchester, NH 03101

(603) 624-9220

Direct Telefaxes to:  
(603) 624-9229

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day,month,year)	PRIORITY CLAIMED UNDER 37 USC 119
Great Britain	9608381.1	23 April 1996	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Great Britain	9704423.4	4 March 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Great Britain	9706862.1	4 April 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of sole or first joint inventor:

WJH-4 JOHN WJH  
William BAILLIE-HAMILTON

Inventor's signature: William Baille Hamilton Date 19th NOVEMBER 1998

Residence: Cardiff Business Technology Centre, Senghennydd Road, Cardiff CF2 4AY GREAT BRITAIN GB

Post Office Address: Same as above Country of Citizenship: GREAT BRITAIN

**IMPORTANT NOTICE RE**  
**DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his/her invention thereof;
- (b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;
- (c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

**NOTE:** The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.